REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 9-15 are pending. Claims 9, 11 and 13 are independent, and hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraph [0043] of Applicants' corresponding published application. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II.   REJECTIONS UNDER 35 U.S.C. §112

Claims 9, 11 and 13 are hereby amended, thereby obviating the rejections under 35 U.S.C. §112.

As claims 9, 11 and 13 have been amended, Applicants respectfully request the rejection to claims 10, 12 and 14-15, which depend on claims 9, 11 and 13, respectively, be withdrawn.

III.   REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 9-11 and 13 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over U.S. 2001/0041021 to Boyle (hereinafter, merely "Boyle") in view of U.S.

2002/0194414 to Bateman (hereinafter, merely "Bateman").

Claim 12 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Boyle and Bateman in view of Applecare Document: 122014.

Claim 14 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Boyle and Bateman in view of US 2004/0004737 to Kahn (hereinafter, merely "Kahn").

Claims 15 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Boyle in view of US 2003/0076365 to Sesek (hereinafter, merely "Sesek").

IV.   RESPONSE TO REJECTIONS

Claim 9 recites, *inter alia*:

"…wherein at least one of the image data and audio data to be
reproduced is selected **via the host machine** by a user, **the
selected data being not changed by the user**." (Emphasis added)

As understood by Applicants, Bateman relates to methods and systems for the

transfer of image data from a digital still camera to an intelligent host such as a personal

computer.

Applicants submit that neither Boyle nor Bateman, taken alone or in combination,

that would teach or suggest the above-identified features of claim 9. Specifically, neither of the

references used as a basis for rejection describes at least one of the image data and audio data to

be reproduced is selected **via the host machine** by a user, **the selected data being not changed**

by the user, as recited in claim 9.

Specifically, the Office Action (page 5) concedes that Boyle does not teach

reproducing the selected data independently of the user's operation to change the selected data,

but asserts that Bateman teaches letting a user select which images from a device to send to a

separate device independently of changing the images, and refers to paragraph [0034] in

Bateman, which is reproduced as follow:

> [0034] In step 502, the operator selects an image that has been previously
> captured by the camera and assigns a particular action to the selected image. The
> image selection and action assignments are carried out using on-camera push
> buttons in conjunction with the on-camera LCD and various LCD option
> screens. For example, the operator previews a captured image using the camera
> LCD, and selects it to be sent to a particular file directory location on the local
> or the remote host. A list of file directory locations that has been previously
> transferred and stored on the camera memory (during an initial connection to the
> host, most typically done during the initial install operation), is presented to the
> operator on the camera LCD, for the operator to select from using various push
> button operations...

Thus, **in Bateman, the image selection assignments are carried out using on-**

camera push buttons, so the image is selected via the camera which has on-camera push

buttons, *i.e.*, **the image selection can NOT be carried out without the camera**.

However, in the present invention, paragraph [0043] of Applicants' corresponding

published application describes selecting files by the user, which is reproduced as follow:

> [0043] For example, as the user connects the memory device 10 to the USB
> interface 6 (Step 601), CPU 2 detects its connection, and in response to this
> detection signal, executes the reproduction program 16 having the GUI function
> stored in HDD by using the automatic activation program 17 (Step 602). FIG. 7
> shows a screen displayed on the display 27 by the GUI function. As shown in
> FIG. 7, in an initial screen, for example, two slide show files 61 and 62 and a
> video file 63 are displayed as icons. As one file is selected by the user, CPU 2
> accesses the memory device 10 via the USB interface 6 and reproduces the file
> (Step 603).

Thus, **in the present invention, the file is reproduced once it is selected by the user via the CPU 2, without being changed by the user.** The portable memory device may be any portable flash memory (see, Specification, paragraph [0030], "the memory device 10 may be a portable flash memory"), which means **the portable memory device is not limited to the camera which has on-camera push buttons to perform image selection function**, *i.e.*, the image data and audio data to be reproduced is selected **via the host machine** by the user.

Thus, nothing has been found in Bateman that teaches <u>at least one of the image data and audio data to be reproduced is selected</u> **via the host machine** <u>by a user,</u> **the selected data being not changed by the user**, as recited in claim 9.

Furthermore, this deficiency of Bateman is not cured by the supplemental teaching of Boyle.

Therefore, Applicants respectfully submit that claim 9 is patentable.

For reasons similar to those described above with regard to independent claim 9, the independent claims 11 and 13 are also patentable.

V.   DEPENDENT CLAIMS

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

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PATENT
Attorney Docket No. 450100-05211

as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.
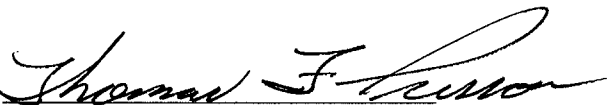
CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By _____
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800

Frommer Lawrence & Haug LLP
745 Fifth Avenue
New York, NY 10151
212-588-0800
Customer Number 20999

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